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PTO/SB/64 (08-00)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number
1130295-900111

First named inventor: Vincent Marinkovich
Application No.: 09/764,224
Filed: January 16, 2001
Title: Methods and Composition For Cancer Treatment
Group Art Unit: Not assigned
Examiner: Not assigned
Attention: Office of Petitions
Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 650.00 (37 CFR 1.17(m)).
Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m)).

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office Action in
the form of Signed declaration in response to the (identify the type of reply):
Notice to File Missing Parts

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

- B. The issue fee of \$ _____.

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

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JAN 22 2003

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650.00 OP

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see (PTO/SB/63)).

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: January 14, 2003

By: George C. Limbach

George C. Limbach
Reg. No. 19,305
Attorneys for Applicant(s)

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Palo Alto, CA 94303-3340
650-833-2434

Enclosures:

- ☒ Check in the amount of \$ 715.00 Which includes \$650 petition fee and \$65 fee for late filing (missing parts fee)
- ☒ Reply in the form of a signed Declaration in response to Notice to File Missing Parts
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing delay
- ☒ Other: Fee Transmittal (in duplicate)
Copy of Notice to File Missing Parts
Signed Power of Attorney
Change of Correspondence Address
Postcard

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: Commissioner of Patents & Trademarks; Washington, DC 20231.

January 14, 2003
Date

Kathleen LaBrie
Signature

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